REMARKS/ARGUMENTS

In response to the Office Action mailed August 6, 2007, Applicant proposes to amend his application and requests reconsideration in view of the proposed Amendment and following remarks. It is proposed in this Amendment to cancel claims 2, 3, 6, and 7. Upon entry of the foregoing Amendment, claims 1, 4, and 8 will remain pending.

In response to the double patenting rejection with respect to a co-pending patent application, a Terminal Disclaimer is submitted merely to advance the prosecution.

Applicant also brings to the Examiner's attention co-pending U.S. Patent Application 10/735,822, filed December 16, 2003 and recently examined by Examiner T. Q. Tran of Art Unit 3693.

In this Amendment claim 1 is amended by incorporating within it the limitations of former claims 3 and 7. In other words, the amended claim 1 that is presented is claim 7 rewritten in independent form. This amendment requires the cancellation of claims 3 and 7. Claim 2 is cancelled as redundant in view of amended claim 1. Claim 6 is also cancelled.

In view of the proposed Amendment, the only prior art rejection potentially applicable from the Office Action mailed August 6, 2007 is the rejection of claim 7. That claim was rejected as unpatentable over Mollett et al. (U.S. Patent 6,505,772, hereinafter Mollett) in view of certain Missouri gaming rules (hereinafter Missouri). This rejection is respectfully traversed as to claim 7 as previously presented and the amended claim 1 that is presented here.

Applicant notes that the Examiner cited Mollett as a reference pursuant to 35 USC 102(b). Mollett clearly does not qualify as prior art under that statutory provision because it was not patented more than one year before the U.S. filing date of the present patent application. Nevertheless, to advance the prosecution, the rejection of claim 7 is responded to on its merits.

The basis of the rejection of claim 7 is stated at page 6 of the Office Action.

> "Although, Mollett does not specifically state the incorporation of a loss-limit regulation (*ie: restricting use casino services when the casino deposit has exceeded an upper limit accumulated over a time period*) this is an old and well-known function in the gaming industry. In an effort to help reduce players from [sic] losing too much money at the casino due to unregulated gambling habits or other unfortunate events, many states have established laws to prevent people from going bankrupt through foolish gambling habits. As taught in the rules set forth by Missouri Gaming Commission a casino is specified to have a usage restriction of funds if an upper limit (*ie: $500.00*) has been exceeded over a predetermined time period (*see pg. 4-5*). One would be motivated to incorporate this feature into the casino management system in order for it to meet the regulation set forth by gaming commissions such as the state of Missouri. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate this feature into the casino management system of Mollett."

With due respect, the foregoing argument does not meet the terms of claim 7 or amended claim 1. The claim states that the usage restriction condition restricting use of casino services restricts use when a casino deposit, accumulated over a time period, has exceeded an upper limit. As previously explained, this step is intended to prevent damage to the casino by some person who has a legitimate or illegitimate winning streak so that the casino does not go bankrupt. While the Examiner's view may be that this assertion is not supported verbatim in the patent application, there is no other rational explanation for the description. Moreover, even if the casino deposit is increased over time by some events other than crediting of gaming winnings, the use restriction still applies. In other words, even if the casino deposit exceeds the limit because the player makes repeated deposits, the use restriction applies.

It is apparent, by comparing this feature with the description in the Office Action at page 6 that is reproduced above, that there is no relationship between the

invention as defined by claim 7 and what is described in the Office Action and in the Missouri Gaming Commission rules, which only impose a stop-loss use restriction to protect the gamer, not the casino.

Only a single paragraph of the Missouri gaming rules deal with the objective invoked by the Examiner in rejecting the claims.

> "(1) The Class A licensee of an excursion gaming boat shall insure through internal controls that no person shall lose more than five hundred dollars ($500) during each gambling excursion. The internal controls shall specify the manner in which the five hundred dollar ($500) limit is enforced."

The foregoing two sentence paragraph is the only pertinent part of Missouri that includes anything even arguably relating to the invention. Applicant readily agrees with the Examiner that Missouri specifies a stop-loss provision for a gambler, at least for one gambling excursion. However, the limitation of amended claim 1 at issue has nothing to do with stopping losses by a gambler. That provision relates to stopping excessive casino deposits. Accordingly, the commentary at page 6 of the Office Action has no relationship to the invention as defined by amended claim 1 and cannot demonstrate *prima facie* obviousness of that claim. Upon reconsideration, the rejection must be withdrawn.

The remaining pending claims all depend from claim 1 and are allowable because of that dependency. Therefore, no discussion of the prior art rejections of claims 4 and 8 is necessary or provided.

In this Amendment claims are cancelled and claims are combined. Therefore, the Amendment cannot raise any new issue. Accordingly, even if the Examiner maintains the rejection, the amendment should be entered in the event of an appeal.

Reconsideration, entry of the foregoing Amendment, and allowance of claims 1, 4, and 8 are earnestly solicited.

Respectfully submitted,

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